

HOUSE BILL No. 1649

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-8-6.

Synopsis: School board recall elections. Provides for the recall of an elected or appointed school board member.

Effective: July 1, 2003.

Hoffman

January 16, 2003, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1649

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-8-6 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]:

4 **Chapter 6. Recall From School Board Office**

5 **Sec. 1. This chapter applies only to an individual who holds an**
6 **elected or appointed school board office.**

7 **Sec. 2. The definitions in IC 3-5-2 and IC 36-1-2 apply to this**
8 **chapter.**

9 **Sec. 3. Except as provided in sections 4 and 18 of this chapter,**
10 **an individual may be removed from office under Article 6, Section**
11 **8 of the Constitution of the State of Indiana by recall of the voters**
12 **of:**

13 **(1) the election district that the individual represents, if the**
14 **individual holds an elected office; or**

15 **(2) the school corporation governed by the school board of**
16 **which the individual is a member, if the individual holds an**
17 **appointed school board office.**



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1 **Sec. 4. An individual may not be removed from office by recall**
 2 **if either of the following applies on the day an application for a**
 3 **certified recall petition is filed:**

4 **(1) The individual has held the office for not more than six (6)**
 5 **months.**

6 **(2) The individual's term of office or appointment expires on**
 7 **a date specified by law or resolution and that expiration date**
 8 **is within one (1) year.**

9 **Sec. 5. (a) The Indiana election commission shall prescribe the**
 10 **following:**

11 **(1) The form for an application for a certified recall petition.**

12 **(2) The form for a certified recall petition.**

13 **(b) The forms described in subsection (a) must identify both of**
 14 **the following:**

15 **(1) The individual who is subject to the petition.**

16 **(2) The office the individual holds.**

17 **Sec. 6. Before circulating a recall petition or obtaining**
 18 **signatures, the sponsor of the recall petition must do the following:**

19 **(1) Complete an application for a certified recall petition.**

20 **(2) File the completed application with the circuit court clerk**
 21 **of the county that contains the greatest percentage of**
 22 **population of the school corporation.**

23 **(3) Obtain from the officer with whom the application was**
 24 **filed the form for a certified recall petition with the date the**
 25 **application was filed noted on the petition.**

26 **Sec. 7. The sponsor of the recall petition may make duplicate**
 27 **copies of the form obtained under section 6(3) of this chapter to**
 28 **obtain more signatures, if no signatures were placed on the form**
 29 **before duplication.**

30 **Sec. 8. The sponsor of the recall petition must do the following**
 31 **to have the recall petition certified:**

32 **(1) Obtain the signatures of at least ten percent (10%) of the**
 33 **registered voters of:**

34 **(A) the election district of an elected school board member**
 35 **who is subject to the recall; or**

36 **(B) the school corporation served by an appointed school**
 37 **board member who is subject to the recall.**

38 **(2) File the recall petition with the circuit court clerk who**
 39 **received the application for the sponsor's certified recall**
 40 **petition under section 6 of this chapter not later than noon**
 41 **sixty (60) days after the date the application was filed.**

42 **Sec. 9. A circuit court clerk who receives a recall petition under**

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section 8 of this chapter shall determine if the required number of registered voters have signed the petition by examining the registration records of the circuit court clerk or board of registration of each county in which the election district or school corporation is located.

Sec. 10. Not later than noon thirty (30) days after the petition is filed under section 8 of this chapter, the circuit court clerk shall do one (1) of the following:

(1) Determine that the petition complies with section 8 of this chapter and certify the recall petition.

(2) Deny certification and require the petition's sponsor to make specific amendments to the petition to comply with section 8 of this chapter before granting certification.

Sec. 11. If the circuit court clerk who received a recall petition denies certification of the recall petition under section 10 of this chapter, the officer shall immediately notify the petition's sponsor by certified mail.

Sec. 12. When a circuit court clerk who receives a recall petition certifies the recall petition, the circuit court clerk shall certify this determination to the county election board of the county where the recall petition was certified under section 10 of this chapter.

Sec. 13. (a) The county election board receiving the certification under section 12 of this chapter shall issue an order for a recall election to be held at the next primary or general election to be held more than sixty (60) days after the date the recall petition was certified.

(b) If the individual subject to the recall resigns from office and the resignation is effective not later than fourteen (14) days after the recall petition is certified, the county election board may not order an election under this section.

(c) Unless the individual subject to the recall resigns as provided under subsection (b), a recall election shall be held on the date specified by the county election board in the order issued under subsection (a).

Sec. 14. A recall election ordered under this chapter shall be held in:

(1) the election district of an elected school board member subject to a recall; or

(2) each precinct wholly or partially located in the school corporation of an appointed school board member subject to a recall.

Sec. 15. Except as provided in this chapter, IC 3 governs a recall

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election.

Sec. 16. The county election board of each county in which the recall election is conducted shall place the following question on the ballot in the form provided by IC 3-10-9-4:

"Shall _____ (insert the name of the school board member as the name appeared on the certified recall petition) be recalled from the office of school board member for _____ (insert the name of the school corporation where the member who is the subject of the certified recall petition holds office)?"

Sec. 17. (a) If a majority of the votes cast on the question under section 16 of this chapter are in favor of the recall, the individual is removed from office when the public question is declared approved under:

- (1) IC 3-12-4-9; or
- (2) IC 3-12-5-2.

(b) Notwithstanding any other law, if the individual resigns or is removed from office under this chapter, the individual may not be selected or elected to fill the vacancy created by the resignation or removal.

Sec. 18. If a majority of the votes cast on the question under section 16 of this chapter are opposed to the recall, the following apply during the term of office or appointment of the individual subject to the recall election:

- (1) The individual subject to the recall election may not be subject to another recall election.
- (2) The circuit court clerk who received the recall petition may not certify another recall petition for the recall of the individual.

Sec. 19. An elected office vacancy resulting from a recall election shall be filled under IC 3-13.

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